

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DIANE SMITH, individually and as
Guardian for A.K., S.K., and M.K.,

Plaintiffs,

v.

STATE OF DELAWARE, DEPARTMENT
OF SERVICES FOR CHILDREN, YOUTH &
THEIR FAMILIES, KATHLEEN FINN,
individually and in her official capacity;
HOME HEALTH SPECIALISTS; DORIS
ELLIOTT; AND LINDA BRASBURGER,

Defendants.

Civil Action No. 07-600 JJF

TRIAL BY JURY DEMANDED

RULE 16 SCHEDULING ORDER

The parties having satisfied their obligations under Fed. R. Civ. P. 26(f),

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by April 15, 2008, the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.1.
2. **Joinder of other Parties.** All motions to join other parties shall be filed on or before May 15, 2008
3. **Settlement Conference.** Pursuant to 28 U.S.C. §636, this matter is referred to Magistrate Judge Thynge for the purposes of exploring the possibility of a settlement. If the parties agree that they would benefit from a settlement conference, the part shall contact the Magistrate Judge to schedule a settlement conference so

as to be completed no later than the Pretrial Conference or a date ordered by the Court.

4. Discovery.

(a) Exchange and completion of interrogatories, identification of all fact witnesses and document production shall be commenced so as to be completed by September 15, 2008.

(b) Maximum of 40 interrogatories by each party to any other party.

(c) Maximum of 20 requests for admission by each party to any other party.

(d) Maximum of 12 depositions by plaintiff(s) and 12 depositions by defendants. Depositions shall not commence until the discovery required by Paragraph 4 (a, b and c) are completed. Depositions and all other discovery, other than expert discovery, to be completed by January 30, 2009.

(e) Reports from retained experts required by Fed. R. Civ. P. 26(a) (2) are due from the party with the burden of proof on the issue the expert is offered by February 27, 2009.

(f) Any party desiring to depose an expert witness shall notice and complete said deposition no later than sixty (60) days from receipt of said expert's report, unless otherwise agreed in writing by the parties.

5. Non-Case Dispositive Motions.

(a) Any non-case dispositive motion, along with an Opening Brief, shall be filed with a Notice of Motion. The Notice of Motion shall indicate the date on which the movant seeks to have the motion heard. The hearing date selected shall allow time for filing of the motion, allow for briefing in accordance with the Federal and Local Rules,

and shall permit all briefing to be filed no later than 12:00 noon the Friday before the motion day on which it is to be heard. Available motion dates will be posted on the Court's website at: <http://www.ded.uscourts.gov/JJFmain.htm>.

(b) At the motion hearing, each side will be allocated ten (10) minutes to argue and respond to questions from the Court.

(c) Upon filing of the Notice of Motion, a copy of said Notice shall be sent to Chambers by-email at: jjf_civil@ded.uscourts.gov

6. Amendment of the Pleadings. All motions to amend the pleadings shall be filed on or before May 15, 2008.

7. Case Dispositive Motions. Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before May 15, 2009. All Answering briefs shall be filed within 30 days of the filing of the Opening Brief, and all Reply Briefs shall be filed within 15 days of the filing of the Answering Brief.

No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court.

8. Applications by Motion.

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective June 30, 2007). Any nondispositive motion shall contain the statement required by D. Del. LR 7.1.1 and be made in accordance with the Court's February 1, 2008

Order on Procedures for filing non-dispositive motions in non-patent cases (pro se cases excluded). Briefs shall be limited to no more than ten (10) pages. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider than a motion.

(b) No facsimile transmissions will be accepted.

(c) No telephone calls shall be made to Chambers.

(d) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: jjf_civil@ded.uscourts.gov. The e-mail shall provide a short statement describing the emergency.

9. Pretrial Conference and Trial. After reviewing the parties' Proposed Scheduling Order, the Court will schedule a Pretrial Conference.

The Court will determine whether the trial date should be scheduled when the Scheduling Order is entered or at the Pretrial Conference. If scheduling of the trial date is deferred until the Pretrial Conference, the parties and counsel shall anticipate and prepare for a trial to be held within sixty (60) to ninety (90) days of the Pretrial Conference.


U.S. DISTRICT JUDGE JOSEPH FARNAN, JR.

DATE April 3, 2008